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Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.30/Rev.1 and Add.1)*]

58/238. United Nations Verification Mission in Guatemala

The General Assembly,

Recalling its resolution 57/161 of 16 December 2002, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2003,

Taking into account the fact that the Government of Guatemala has reaffirmed its commitment to the full implementation of the peace agreements,

Underlining the fact that substantive aspects of the peace agreements have yet to be implemented and that the timetable for implementation and verification established by the Commission to Follow up the Implementation of the Peace Agreements extends through 2004,

Taking into account the request of the Government of Guatemala for an extension of the mandate of the Mission until the end of 2004, in view of the desirability of maintaining the presence of the Mission during the first year of the new Government, which will take office in January 2004,

Taking into account also the fact that civil society organizations in Guatemala and the international community expressed concerns about potential setbacks to implementation of the peace agreements should the Mission depart Guatemala before a new Government had taken office and demonstrated its commitment to the peace process,

Taking note of the fact that on 10 July 2003, under the auspices of the Organization of American States, representatives of the main political parties of Guatemala signed a declaration expressing support for the peace agreements as State accords that should be incorporated into government plans for the peace process,

Taking into account the eighth report of the Secretary-General on the verification of compliance with the peace agreements,[1]

Taking into account also the fourteenth report of the Mission on human rights,[2]

[1] A/58/267.
[2] A/58/566.

Taking into account further the report of the Commission for Historical Clarification,[3]

Stressing the positive role played by the Mission in support of the Guatemala peace process, and emphasizing the need for the Mission to continue to enjoy the full support of all parties concerned,

Having considered the report of the Secretary-General on the work of the Mission[4] and the recommendations contained therein,

1. *Welcomes* the eighth report of the Secretary-General on the verification of compliance with the peace agreements;[1]

2. *Also welcomes* the fourteenth report of the United Nations Verification Mission in Guatemala on human rights;[2]

3. *Calls upon* the Government of Guatemala to maintain its commitment to the full implementation of the peace agreements;

4. *Also calls upon* newly elected public officials to act on the commitments made by representatives of the main political parties in July 2003 to support the peace agreements as State accords that should be incorporated into government plans for the peace process;

5. *Takes note* of the recommendations contained in the report of the Secretary-General on the work of the Mission[4] aimed at ensuring that the Mission responds adequately to the demands of the peace process until 31 December 2004, in view of the many outstanding matters still to be addressed and the need to ensure the commitment of the new Government to the peace agreements;

6. *Notes* that, while in 2003 the Mission verified four broad areas of the peace agreements, in 2004 it will concentrate only on two areas, human rights and demilitarization and the strengthening of civilian power;

7. *Also notes* the results of the meeting of the Consultative Group for Guatemala, held in Guatemala City on 13 and 14 May 2003, at which all participants agreed that the peace agreements should remain Guatemala's essential road map for development;

8. *Further notes* that, while advances were verified in certain areas, such as the passage of legislation against discrimination in its many manifestations, the redeployment of military units and the development of a national reparations programme for the victims of human rights violations committed during the armed conflict, progress in the implementation of the peace agreements in the past year fell short of expectations and was insufficient to inject new momentum into the peace process;

9. *Notes* that the consolidation of the peace-building process remains a significant challenge which will require greater political will, the involvement of all sectors of society and the continued engagement of the international community;

10. *Notes with concern* the climate of intimidation against justice officials, human rights defenders, social activists and journalists;

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[3] A/53/928, annex.

[4] A/58/262.

11. *Takes note* of the agreement reached in March 2003 by the Government of Guatemala and the Human Rights Ombudsman, with the support of civil society, and currently being revised, to create a Commission for the Investigation of Illegal Groups and Clandestine Security Apparatuses;

12. *Welcomes* the agreement signed on 1 December 2003 between the Government of Guatemala and the Office of the United Nations High Commissioner for Human Rights for the establishment of an office of the High Commissioner in Guatemala, with a mandate to monitor the human rights situation in the country and advise the Government on formulating and implementing policies, programmes and measures to promote and protect human rights;

13. *Calls upon* the Government to further reduce military spending and to allocate adequate budgets to those institutions and programmes that are given priority under the peace accords;

14. *Underlines* the importance of implementing fully the Agreement on Identity and Rights of Indigenous Peoples[5] as a key to fighting discrimination and consolidating peace and equality in Guatemala, and highlights the need to implement fully the Agreement on Social and Economic Aspects and Agrarian Situation[6] as a means of addressing the root causes of the armed conflict;

15. *Calls upon* the Government to implement the recommendations of the Commission for Historical Clarification, with a view to promoting national reconciliation, upholding the right to truth and providing redress for the victims of human rights abuses and violence committed during the thirty-six-year conflict;

16. *Invites* the international community, and in particular the specialized agencies, funds and programmes of the United Nations system, to continue to support the consolidation of the peace-building process, with the peace agreements as the framework for their technical and financial assistance programmes and projects, and stresses the continued importance of close cooperation among them in the context of the United Nations Development Assistance Framework for Guatemala;

17. *Urges* the international community to support financially, through existing mechanisms of international cooperation, the strengthening of national capacities to ensure the consolidation of the peace process in Guatemala;

18. *Also urges* the international community to support financially the strengthening of the capacities of the specialized agencies, funds and programmes of the United Nations system, including the future office of the High Commissioner in Guatemala City, as the Mission prepares to intensify its work to ensure specific follow-on by the entities of the United Nations system, as well as by members of the international community, within the framework of a general transition strategy;

19. *Stresses* that, while the Mission has played a key role in promoting the consolidation of peace and the observance of human rights and in verifying compliance with the revised timetable for the implementation of pending commitments under the peace agreements, the long-term success of the peace process depends on the capacities and renewed commitment to the peace agreements of Guatemalan institutions, both of the State and of civil society;

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[5] A/49/882-S/1995/256, annex.

[6] A/50/956, annex.

20. *Requests* the United Nations system in Guatemala to continue to monitor and report annually, utilizing the methodology and indicators developed with the Mission, on the implementation of the Agreement on Social and Economic Aspects and Agrarian Situation as part of the national human development report of the United Nations Development Programme;

21. *Decides* to authorize a final renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2004;

22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at the beginning of its fifty-ninth session, as well as a final report on the work of the Mission before the end of that session, together with the recommendations that he may deem appropriate.

79th plenary meeting
23 December 2003